

IN THE NAME OF JESUS - CHRIST
UNITED STATES DISTRICT COURT -
NORTHERN DISTRICT OF ILLINOIS -
EASTERN DIVISION

FILED

YJM

DWAYNE GRIFFIN ^{N03392}
PLAINTIFF

APR - 3 2008 ^{new}

CASE NO: 08-C-939

APR 3 2008
MICHAEL W. DOBBS
CLERK, U.S. DISTRICT COURT

RICHARD DEVINE ET AL
defendant.

JOAN B. GOTTSCHALL
Judge:

NOTICE OF APPEAL

NOW COMES THE PLAINTIFF DWAYNE GRIFFIN #N03392
IN THE ABOVE ENTITLED CAUSE AN APPEAL
IS HEREBY TAKEN IN THE FINAL CAUSE

I AM THE PLAINTIFF DWAYNE GRIFFIN #N03392
I AM APPEALING TO THE COURT OF APPEALS

THE FINAL JUDGEMENT DATE MAR-14-2008

MAR-27-2008

Dwayne Griffin #N03392
P.O. BOX 99
PONTIAC ILL
61764

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 08 cv 939

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

Griffin/appellant	Devine/appellee
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	Dwayne Griffin	Name	
Firm	pro-se #N03392	Firm	
Address	Western - WST R.R.4 Box 196 Mt. Sterling, Il. 62353	Address	
Phone		Phone	

Other Information			
District Judge	Gottschall	Date Filed in District Court	3/14/08
Court Reporter	C. Kuemmeth X-8931	Date of Judgment	3/18/08
Nature of Suit Code	550	Date of Notice of Appeal	4/3/08

COUNSEL:

Appointed

☐

Retained

☐

Pro Se

☒

FEE STATUS:

Paid

☐

Due

☒

IFP

☐

IFP Pending

☐

U.S.

☐

Waived

☐

Has Docketing Statement been filed with the District Court Clerk's Office?

Yes

☐

No

☒

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted

☐

Denied

☐

Pending

☐

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

BR

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	JOAN B. GOTTSCHALL	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 939	DATE	MAR 14 2008
CASE TITLE	Dwayne Griffin (N-03392) v. Richard Devine		

DOCKET ENTRY TEXT:

Plaintiff's inmate trust fund statement [4] is construed to be a motion for leave to file *in forma pauperis* and is denied pursuant to 28 U.S.C. § 1915(g). This action is summarily dismissed for failure of Plaintiff to advise the Court that three of his previous cases have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. Having brought this action, Plaintiff nevertheless remains obligated to pay the full filing fee of \$350. Before pursuing any future litigation, Plaintiff must pay any outstanding fees. The Clerk is directed to send a copy of this order to the trust fund officer at Western Illinois Correctional Center. All pending motions, including Plaintiff's motion for the appointment of counsel [3], are denied.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff, Dwayne Griffin, an inmate at Western Illinois Correctional Center, has brought this *pro se* action, naming numerous defendants and asserting numerous grounds of misconduct with his prosecution in 2004 and 2005. Plaintiff filed an inmate trust fund statement, which the Court construes as a motion to proceed *in forma pauperis*; however, the Court denies the motion because Plaintiff has accumulated at least three "strikes."

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

At least three of Plaintiff's previous actions have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Griffin v. Sheahan*, 98-cv-3670 (N.D. Ill. June 22, 1998); *Griffin v. Sheahan*, 05-cv-6763 (N.D. Ill. Dec. 19, 2005); *Griffin v. Psexico*, 06-cv-2566 (N.D. Ill. June 2, 2006). The Court of Appeals for the Seventh Circuit in fact advised Plaintiff that he is not permitted to proceed *in forma pauperis* under 28 U.S.C. § 1915(g). *See Griffin v. Blagojevich*, No. 07-2908 (7th Cir. Dec. 18, 2007); *Griffin v. Blagojevich*, No. 07-3085 (7th Cir. Dec. 18, 2007). Plaintiff has sought leave to proceed *in forma pauperis* without disclosing his § 1915(g) status to the Court. Plaintiff's effective "fraud" on the Court must "lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999). Accordingly, this action is dismissed with prejudice.

However, having brought this action, Plaintiff remains obligated to pay the full filing fee of \$350. *See* 28 U.S.C. § 1915(b)(1); *Sloan*, 181 F.3d at 859. Before pursuing any future litigation, Plaintiff must pay any outstanding fees. *Id.*

Courtroom Deputy
Initials:

isk

APPEAL, COX, PC, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:08-cv-00939
Internal Use Only

Griffin v. Devine et al
Assigned to: Honorable Joan B. Gottschall
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/14/2008
Date Terminated: 03/14/2008
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Dwayne Griffin**

represented by **Dwayne Griffin**
N-03392
Western - WST
R.R. 4, Box 196
Mt. Sterling, IL 62353
PRO SE

V.

Defendant**Richard A. Devine****Defendant****Gerald J Winecki****Defendant****Suzanne Krause****Defendant****Edwin A Burnette****Defendant****Elyse Epstein****Defendant****Ivette Nueva****Defendant****Joseph M Claps**

Defendant**Jose Padon****Defendant****Anjana Hansen****Defendant****Ann Buran****Defendant****Sharon M Sullivan****Defendant****Stephanie Callas****Defendant****Marshall Libert****Defendant****Bruce Mosbaucher****Defendant****Richard Albanese****Defendant****Ann Dykes****Defendant****Lori Schultz****Defendant****Matthew Blomstrand****Defendant****Elyse Lee****Defendant****J Prill****Defendant****Brogan J O.****Defendant****Tom E Morales****Defendant****Charley J Walker**

Defendant**Bob A Podgorny****Defendant****K E Collier, Jr.****Defendant****Timothy Edeling****Defendant****Laura M Caraballo****Defendant****Sharon Smith****Defendant****Evenwoff K.****Defendant****Stephan Combes****Defendant****Michael J Pelletier****Defendant****Mary Grudnowski****Defendant****Debra Loevy Reyes****Defendant****James E Fitzgerald****Defendant****Lisa M Morrison****Defendant****Thomas E. Hoffman****Defendant****Themis N Karnezis****Defendant****Mary Jane Theis****Defendant****Robert R Thomas**

Defendant**Anne M Burke****Defendant****Charles E Freeman****Defendant****Thomas R Fitzgerald****Defendant****Thomas L. Kilbride****Defendant****Rita B. Garman****Defendant****LLoyd Karmeter****Defendant****Michael F Sheahan****Defendant****Callie Baird****Service List**represented by **Prisoner Correspondence - Internal Use Only**

Email:

Prison1_ILND@ilnd.uscourts.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/11/2008	<u>1</u>	RECEIVED Complaint and 7 copies by Dwayne Griffin (Modified 02/15/08 tlm) (Entered: 02/15/2008)
02/11/2008	<u>2</u>	CIVIL Cover Sheet. (tlm) (Entered: 02/15/2008)
02/11/2008	<u>3</u>	MOTION by Plaintiff Dwayne Griffin to appoint counsel. (tlm) (Entered: 02/15/2008)
02/11/2008	<u>4</u>	FINANCIAL Affidavit by Dwayne Griffin. (tlm) (Entered: 02/15/2008)
02/11/2008	<u>5</u>	EXHIBITS by Plaintiff Dwayne Griffin to received complaint <u>1</u> (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> (tlm) (Poor Quality Originals - Paper Document on File). (Entered: 02/15/2008)
02/11/2008	<u>8</u>	POST MARKED envelope for initiating document by Dwayne Griffin (Document not scanned) (aew,) (Entered: 02/21/2008)

02/13/2008	<u>6</u>	(Court only) Document Entered in error. (tln). Modified on 2/15/2008 (tln). (Entered: 02/15/2008)
02/15/2008	<u>7</u>	NOTICE of Correction regarding fee information sheet <u>6</u> (tln) (Entered: 02/15/2008)
03/14/2008	<u>9</u>	MINUTE entry before Judge Honorable Joan B. Gottschall: Plaintiff's inmate trust fund statement is <u>4</u> construed to be a motion for leave to file in forma pauperis and is denied pursuant to 28 U.S.C. Section 1915(g). This action is summarily dismissed for failure of plaintiff to advise the court that three of his previous cases have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. Having brought this action, Plaintiff nevertheless remains obligated to pay the full filing fee of \$350. Before pursuing any future litigation, Plaintiff must pay any outstanding fees. The Clerk is directed to send a copy of this order to the Trust Fund Officer at Western Illinois Correctional Center. All pending motions, including Plaintiff's motion for appointment of counsel <u>3</u> , are denied. Civil case terminated. Mailed notice (tln) (Entered: 03/18/2008)
03/18/2008		MAILED a copy of the Order of 03/14/08 to Trust Fund Officer at Western Illinois Correctional Center and to Plaintiff Dwayne Griffin. (tln) (Entered: 03/18/2008)
04/03/2008	<u>10</u>	NOTICE of appeal by Dwayne Griffin regarding orders <u>9</u> (Fee Due) (dj,) (Entered: 04/07/2008)
04/07/2008	<u>11</u>	NOTICE of Appeal Due letter sent to counsel of record (dj,) (Entered: 04/07/2008)